IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 2ND AUGUST 2007 / 11TH SRAVANA 1929

WP(C).No. 29952 of 2006(N)

PETITIONER:

BALARAMAPURAM SERVICE CO-OPERATIVE
BANK LTD.NO.T.14, BALARAMAPURAM-695 501,
REPRESENTED BY ITS SECRETARY.

BY ADV. SRI.V.G.ARUN

RESPONDENTS:

1. UNION OF INDIA, REPRESENTED BY
THE SECRETARY TO GOVT. DEPARTMENT OF POSTS
AND TELECOMMUNICATION, NEW DELHI.

2. THE SUPERINTENDENT OF POST OFFICES,
TRIVANDRUM.

3. THE SUB POSTMASTER, POST OFFICE,
BALARAMAPURAM, TRIVANDRUM.

BY ADV. SRI.JOHN VARGHESE, ASSISTANT SG

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P(C).No. 29952/06.

APPENDIX

PETITIONER'S EXHIBITS:

P1. COPY OF THE KISSAN VIKAS PATHRA.

P2. COPY OF THE LIST OF KISSAN VIKAS PATHRA.

P3. COPY OF THE LETTER DTD.5.5.05 WITH RESOLUTION.

P4. COPY OF THE LETTER DTD.27.5.05.

P5. COPY OF THE LETTER DTD.8.6.05.

P6. COPY OF THE LETTER OF THE CONCURRENT AUDITOR DTD.10.8.05.

P7. COPY OF THE REPLY DTD.3.8.05.

P8. COPY OF THE CONSENT LETTER DTD.14.8.05.

P9. COPY OF THE LETTER DTD.9.10.06.

Sdk+

///True copy///

P.A. to Judge.

S.SIRI JAGAN, J.

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W.P.(C).No.29952 of 2006

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Dated this the 2nd day of August, 2007

J U D G M E N T

The petitioner is a co-operative society. It purchased Kissan Vikas Pathras (KVP) from the third respondent. The grievance of the petitioner is that now the respondents take a stand that the petitioner was not entitled to purchase KVPs and therefore, respondents would pay only the principal amount covered by the KVPs and would not pay interest thereon.

2. I have heard the learned Assistant Solicitor General also.

3. After having sold KVPs with an assurance that on maturity, the amount covered by the KVPs would be paid with interest as stipulated therein, the respondents cannot now take a stand that the KVPs have been wrongly issued to the petitioner and hence they would not pay interest. After having enjoyed the benefit of money covered by the KVPs, on maturity the respondents are bound to pay the amount covered by the KVPs

with interest thereon at the rate applicable to those KVPs. There would be a direction to the said effect to the respondents, which shall be complied with within a period of one month from the date of receipt of a copy of this judgment.

Writ petition is disposed of as above.

Sd/-

sdk+ S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.